

PLANNING COMMISSION
July 22, 2020

Meeting Minutes

The Planning Commission of Monroe County conducted a virtual meeting on **Wednesday, July 22, 2020**, beginning at 10:00 a.m.

CALL TO ORDER by Chair Coward

PLEDGE OF ALLEGIANCE

ROLL CALL by Ilze Aguila

PLANNING COMMISSION MEMBERS

Tom Coward, Chair	Present
Bill Wiatt, Vice Chair	Present
Ron Miller	Present
Joe Scarpelli	Present
Ron Demes	Present

STAFF

Emily Schemper, Senior Director of Planning and Environmental Resources
Steve Williams, Assistant County Attorney
John Wolfe, Planning Commission Counsel
Mike Roberts, Assistant Director, Environmental Resources
Mayte Santamaria, Senior Planning Policy Advisor
Bradley Stein, Development Review Manager
Liz Lustburg, Planner
Ilze Aguila, Senior Coordinator Planning Commission

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

County Resolution 131-92 was read into the record by Mr. John Wolfe.

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Ms. Ilze Aguila confirmed receipt of all necessary paperwork.

SWEARING OF COUNTY STAFF

County staff was sworn in by Mr. Wolfe.

CHANGES TO THE AGENDA

Ms. Ilze Aguila confirmed there were no changes to the agenda.

DISCLOSURE OF EX PARTE COMMUNICATIONS

There were no disclosures of ex parte communications.

APPROVAL OF MINUTES

Motion: Commissioner Demes made a motion to approve the June 24, 2020, meeting minutes. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

Chair Coward first asked if this item should be continued to the following month or whether the item should be read in. Ms. Schemper responded that the item should be read into the record, and staff be allowed to give an overview of the item, with the reasons for a continuance stated if that is the result. Chair Coward then asked for the item to be read into the record.

NEW ITEM:

1. WRECKERS CAY APARTMENTS AT STOCK ISLAND, 5700 LAUREL AVENUE, 6325 FIRST STREET AND 6125 SECOND STREET, STOCK ISLAND MILE MARKER 5: A PUBLIC MEETING CONCERNING A REQUEST FOR A MAJOR CONDITIONAL USE PERMIT BY WRECKERS CAY APARTMENTS AT STOCK ISLAND, LLC. THE REQUESTED MAJOR CONDITIONAL USE RELATES TO THE PROPOSED DEVELOPMENT OF UP TO TWO HUNDRED EIGHTY (280), MULTIFAMILY DEED-RESTRICTED AFFORDABLE DWELLING UNITS, WITH A PLAYGROUND AND POOL. THE SUBJECT PROPERTY IS DESCRIBED AS THREE PARCELS OF LAND IN SECTION 35, TOWNSHIP 67, RANGE 25, STOCK ISLAND, MONROE COUNTY, FLORIDA, HAVING PARCEL ID NUMBERS 00124540-000000, 00124550-000000 AND 00124560-000000; AND A PORTION OF THE RIGHT OF WAY OF LAUREL AVENUE, MACDONALD AVENUE, AND FIRST STREET (PROPOSED TO BE ABANDONED), AS SHOWN ON THE PLAT OF MALONEY'S SUBDIVISION OF STOCK ISLAND, PLAT BOOK 1, PAGE 55. (FILE 2020-078)

Ms. Schemper pointed out that on the website agenda that there is a revised survey listed dated July 21, 2019, with an updated stormwater easement. Chair Coward asked about the revised site plan received on July 15, noting that it also does not fall within the ten calendar day requirement. Ms. Schemper responded that that would need to be voted on as well, and confirmed with Mr. Bradley Stein that this was the site plan that the staff report was based on.

(10:03 a.m.) Mr. Bradley Stein, Development Review Manager, presented the staff report. This is the requested major conditional use for redevelopment of Wrecker's Cay Property with 280 deed restricted affordable dwelling units. The owner is Wrecker's Cay Apartments at Stock Island, LLC, and the agent is Bart Smith of Smith Hawks. The site plan was presented showing eight buildings with 280 units, a proposed pool, playground, 494 regular car parking spaces and eight scooter parking spaces. This project has several related items including a LDC text amendment, a Comp Plan amendment for Goal 111, rezoning from URM to UR, and road abandonments for a portion of Laurel Avenue, and MacDonald and First Streets. The whole property is currently zoned UR, the FLUM is Residential High, and the Tier designation is Tier III.

Today addresses the conditional use permit required pursuant to the development agreement for major conditional use approval for the project. The project itself is generally in compliance. Due to the timing of the receipt of some items, updated plans are needed to show that everything conforms to the last revised site plan such as the stormwater and landscape plan. Staff believes they will be in compliance but will need to confirm this with the revised plans showing the exact layout. Another outstanding issue is traffic concurrency compliance for mitigation. Staff is recommending approval if the outstanding traffic mitigation requirements can be met, but staff is also recommending the Planning Commission continue this request for major conditional use permit approval to a date certain to ensure the applicant provides a revised traffic study with proposed mitigation traffic strategy that is acceptable to the County's traffic consulting engineer. The traffic mitigation was submitted at 8:26 p.m. last night, so technically it is received today. Planning staff and the traffic engineer have not had a chance to review it at this time. There are additional corrections and conditions staff is requesting be resolved prior to the signing of the resolution, along with general conditions which are part of the memo.

Ms. Emily Schemper added that Mr. Bart Smith was present and may want to make a presentation, which would be up to the Commission, though Ms. Schemper believes it would be fair to let him speak. The right-of-way abandonments were approved by the BOCC last week and staff is waiting on one restrictive covenant to be signed before the actual abandonment resolution gets signed for Laurel Avenue. Technically, that is not finished yet, so the approval of the conditional use permit would need to wait until that is finalized. Chair Coward asked if the applicant wished to speak.

Mr. Bart Smith spoke on behalf of Wrecker's Cay. Mr. Smith stated that regarding Laurel Avenue, Billy Murray had approved the covenant restriction and had authorization to release it last night. Mr. Smith will be picking that document up to be recorded today. The stormwater and landscaping plans were compliant with DRC based upon a parking plan that utilized scooter parking for approximately 80 spaces to accommodate scooters and discourage vehicle use. After discussion with staff it was determined based on the Commission's wording of the Comp Plan Amendment that all parking spaces would need to be full size, so minor adjustments were made to the site plan acknowledging that. Because of those minor adjustments, a couple of landscaping trees needed to be added to parking islands. The buffer yards around the property did not change. Stormwater was the same, though any small parking change causes an adjustment to the stormwater plan. These items should be turned around within a week. They are technical in nature and would need staff sign-off indicating compliance with the Code. The applicant has been working on traffic for months regarding correct counts and mitigation, and the believes a solution has been provided to meet minimum mitigation requirements with on-site additions of bicycle racks and off-site additions of bus shelters, sidewalks and dedicated bicycle lanes that encourage bicycle use.

Mr. Smith then presented the final site plan to the Commission, pointing out the changes and giving a general summary. The units will consist of 25 percent low (70 units), 35 percent medium (90 units), and 40 percent moderate (112 units). The final site plan is what the staff report is based upon. Adjustments should be completed by the end of this week. Mr. Smith

presented the site mitigation which had been provided yesterday. The traffic consultants did random studies and created objective analyses on how the added utilization of bicycles and providing bicycle racks would decrease traffic usage out of the site. Addition of 328 bicycle spaces will encourage multi-modal transportation. This property is within almost every major bus stop and they will be installing bus shelters and adding a dedicated bicycle path. Mr. Smith believes this can be approved, conditioned upon the County staff signing off on the traffic mitigation. The project meets the requirements of the Code and he seeks approval with the conditions recommended by staff. Additionally, staff will review the traffic one more time prior to issuance of the building permit. Mr. Smith would like approval now to keep the project moving forward so the project can break ground at the start of next year.

Chair Coward stated that it sounded like traffic was being funneled to the bike lane on the south side of Route 1 rather than the golf course side. Mr. Smith confirmed that was correct, noting that the bike path goes all the way down that side to South Roosevelt and crossing can occur at the traffic light. Chair Coward expressed concern that the bike path on the south side runs through a lot of business parking lots and may not be as safe as the College Road side. Mr. Smith responded that another appropriate crossing would be at the light at Maloney. Chair Coward then asked the Commission if they wanted to proceed with or continue this item.

Commissioner Miller asked Mr. Smith why he waited until 8:30 last night to present this for approval by the traffic engineer if he wanted to proceed today. Mr. Smith stated they had been going back and forth with different things, but the original traffic study had been submitted in 2018. At the end of 2019, it was recognized it needed to be updated to 2020. About a month ago there were comments from the County indicating that it did not seem realistic that the project would be completed in 2020, so the figures had to be updated with a completion date for the project of the end of 2021. So the figures needed to be updated for that date and there is always a time lag in traffic all the way up to the point of building permit. Commissioner Miller noted that staff was recommending this item first be approved by the traffic engineer and he wasn't comfortable moving ahead with this today. This is exactly why the rules for the acceptance of data had been updated.

Commissioner Wiatt commented that things are routinely approved with conditions in place and he would hate to hold up the project. Commissioner Scarpelli agreed, adding that the plan was there and just hadn't been reviewed. If the traffic engineer says it isn't looking right, then it's dead in the water if the Commission puts the condition on it. Commissioner Miller stated that this is getting the cart before the horse. Staff is recommending this be continued and the Commission is not doing their job if they don't continue it. Commissioner Demes stated he had looked at the traffic study which was 235 pages, adding that he is not going to analyze that, and that's why there are professionals to analyze it. Commissioner Demes would yield to what staff would recommend, but he knows he will yield to the recommendation of the traffic professionals. He could see this project going forward based upon those contingencies and is in favor of hearing the project today and discussing it. Chair Coward commented that a lot of time had been spent at last month's meeting discussing meeting rules and procedures, one of which was the ability of the public to weigh in on issues. It's impossible for the public to talk about the

traffic study if they don't have access to it, and it's important for those who live in Stock Island to understand how this would impact them, so he is hesitant. It would be nice to see information before voting on it. Understanding staff has one last chance at it, he's not sure that's good enough.

Chair Coward then stated that without a motion to continue the item, they would go forward. Commissioner Miller made a motion to go with the staff recommendation and continue the item. Mr. John Wolfe stated he would need to make a motion to continue this to a date certain, presumably the next Planning Commission meeting. Commissioner Scarpelli stated that he did not know about the public looking at a traffic study and whether that would necessarily sway what the public would think about traffic, that traffic is traffic. Further, there will be another review at issuance of the building permit. Commissioner Miller noted that Commissioner Scarpelli was giving up his authority so that somebody else could look at this after the Commission has moved it along. Commissioner Scarpelli disagreed, stating that he was basing his decision upon what he can see along with other traffic studies done for other housing complexes within the area. The traffic engineer has the final word regardless of what the Commission says. If the traffic engineer approves it a week from now, the Commission would move this forward, so there's no point in holding it up. Commissioner Miller pointed out that if the applicant does not get the information in on time and the Commission cannot see the recommendation of the traffic engineer, then it's the applicant holding it up, not the Commission.

Mr. Smith stated he would prefer this go today and agrees with Commissioners Scarpelli, Wiatt and Demes. This is a technical matter that is being reviewed at this point. People are waiting for this to get going and he doesn't want to see this get slowed down.

Motion: Commissioner Miller made a motion to approve staff's requested continuance to the next Planning Commission meeting of August 26, 2020. Chair Coward seconded the motion.

Roll Call: Commissioner Scarpelli, No; Commissioner Wiatt, No, Yes; Commissioner Demes, No; Commissioner Miller, Yes; Chair Coward, Yes. The motion failed 3 to 2.

Chair Coward then asked for public comment. Ms. Schemper interjected that if this was going to be heard today, the acceptance of the late information into the record would need to be voted on; i.e., the traffic report, the most recent site plan, and the updated survey which is adding a drainage easement. Mr. Wolfe agreed there would need to be a vote on these items.

Motion: Commissioner Demes made a motion to accept the late-filed information. Commissioner Scarpelli seconded the motion.

Roll Call: Commissioner Scarpelli, Yes; Commissioner Wiatt, Yes; Commissioner Demes, Yes; Commissioner Miller, No; Chair Coward, Yes. The motion passed 4 to 1.

Chair Coward then asked for public comment.

Ms. Dottie Moses, after being sworn in, stated that she was very disappointed that after making the new rules regarding not accepting late documents, they have been blown out of the water. This is a disservice to the public that they are not able to review the new site plan, landscaping plan, stormwater plan, bike path plan and traffic study plan. It's as if this is a brand new item. The public feels very disenfranchised at this point, having no opportunity to review and comment on these things. At the BOCC road abandonment hearing there was a picture show of this mooring field area that they were going to provide to the County and they showed it to be located right where the stormwater easement area has now been located, and the new mooring field dock has not been mentioned by the applicant. Traffic was the number one concern of the community and the Commission is totally dismissing that. Ms. Moses does not believe this is ready and it should be postponed. She cannot comment on anything because she has nothing to look at to comment on.

Mr. Brad Stein interjected that Ms. Moses was correct that the survey is showing the upland shoreside facility being located within the stormwater easement, and because that information was supplied so late, staff has not confirmed that. At this time, if this moves forward, he would ask that a condition be added that the shoreside facility not be located within the easement prior to the signing of the development order.

Mr. Bart Smith responded that this is not an issue as it was an accessory structure. The sidewalk going to the shoreside facility is not within the easement. Half of the identified placement of the building is not. There is plenty of space by the sidewalk within the shoreline setback that is ten feet off the shoreline to relocate the accessory structure. The County has the option to build whatever they want to build as the applicant is only providing a proposed area. A certain amount of open space has been reserved on the plans for that. Mr. Stein agreed.

Chair Coward asked if there were any other items that the Commission needs to be aware of on the site survey, as this is exactly why he and Commissioner Miller were concerned. Mr. Stein responded that most of the items were in compliance other than being fully reviewed by staff which would be the landscape plan and the stormwater plan. Mr. Stein does not believe there are any other outlying major issues.

Ms. Erica Poole, after being sworn in, commended the developer for well thought-out plans. There are a lot of public amenities for these buildings. She is a member of the workforce down here and affordable housing is an issue. Affordable housing needs to be addressed sooner rather than later. The Quarry filled up extremely quickly. Ms. Poole is an architect and understands the challenges of planning review, but adding in parking lot islands is not a huge concern, nor is stormwater as it's maintained on site per Code. Ms. Poole likes this project and believes it is providing a great need in a very populated location that Monroe County is desperate for.

There was no further public comment. Public comment was closed. Chair Coward asked if there was further discussion.

Commissioner Demes asked whether fencing was an issue as he'd seen the latest site plan and it didn't show a fence. Mr. Smith responded that there is a fence and presented the site plan pointing out the location of the fence. Commissioner Demes asked what type of fence was

planned. Mr. Smith stated it would be something like a concrete block, four-foot fence, with maybe some steel posts, but it would not be a chain-link fence. Ms. Schemper pointed out that those details had not been provided in this application so if this is something the Commission feels strongly about, it would need to be added as a condition. The only requirement now is that fencing needs to comply with Code and there are a lot of options within the Code for fencing. Commissioner Demes then asked about the road abandonment, specific to Laurel Avenue, that it appeared that this project uses half of the right-of-way. Mr. Smith responded that that was correct, that the other half was under the ownership of Murray Marine, which follows state statute. Mr. Wolfe confirmed that to be the normal procedure. Commissioner Demes noted this project is within the MIAI but is outside the 65 DNL, which is good. The Key West CPLO is not on the meeting today. Also, Commissioner Demes takes exception to the comment relating to the Commission not comprehensively looking at this project. He personally considers the affordable and workforce housing as the number one issue. Traffic is an important issue, but he wouldn't vote for anything that wasn't contingent on staff approval, and he feels comfortable moving forward with this project. It is supplying what this County needs, particularly in the Lower Keys.

Chair Coward asked about page seventeen of the staff report and the proposed design of a pedestrian pathway to the north of the facility along the eastern shoreline, extending the dock approximately 125 feet into the basin to accommodate a four-foot wide dock for a total of 500 square feet, and he was not sure where that is and whether it connects to anything. Mr. Smith explained that it is the dock on the south side and it had been gone through with Mr. Richard Jones and Mr. Mike Roberts, to determine the area that has the appropriate depth for a dock.

Ms. Schemper interjected that Mr. Stein had mentioned a condition about the shoreside access facility and the stormwater easement, and she believes a broader condition should be added, because what's proposed on the site plan is more about reserving space for the shoreside access facility that was put into the development agreement. When it comes time to permit that, it will need to be put into more detail in terms of the exact location and configuration. The comment in the staff report refers to some potential issues in permitting with a dock. It is reserved on the site plan in a way that if it needs to be reconfigured to meet state requirements for dockage, that can be done without having to amend the conditional use permit. Ms. Schemper requested using the wording from Section F of the development agreement for the property, approved by Resolution 031A-2020, "Wrecker's Cay shall reserve space on the site plan to provide Monroe County a shoreside access facility open to the public subject to reasonable rules and regulations and hours which shall provide at a minimum dinghy dockage for a mooring field with up to 40 mooring balls, a dockside pumpout facility, trash recycling receptacles, along with an area to develop a minimum of a 400 square foot office/amenity building." And then, the area specifically for that easement, "The area reserved for shoreside access facility shall not be located within a required setback." That should be enough to cover with the details being worked out later. If every detail needs to be worked out now it will undoubtedly delay this project beyond next month as it is a very long process. The goal is to reserve area for the development agreement so that the conditional use later does not need to be amended.

Chair Coward asked about it being in the same stormwater area, and Ms. Schemper stated that would be a change to the site plan. Mr. Smith added that the pipe that is mapped is right along the center line. Although there's fifteen feet in the easement, fifteen feet is not needed to access that pipe. A portion of that easement could be utilized that is not in the setback and he would not forego that at the County's discretion, they may decide to locate it there as it may be the ideal location. Stormwater pipes are underground and three feet on each side is all that's typically needed. The easement works in the County's favor.

Chair Coward asked about the original traffic study and whether it had been based on the 389 parking spaces. Mr. Smith clarified that it was 389 full-size parking spaces and 80 scooter spaces, but the actual traffic generation was not based on that number. The traffic generation was based on number of units and how many potential trips the units would generate. Chair Coward asked if the additional spots would cause the traffic engineer to say the traffic numbers would change. Mr. Smith stated that the actual potential trips generated did not change. Chair Coward could not see how concluding that with more cars there would be fewer trips per car, and he wouldn't want to see these numbers spike because of adding a hundred parking spaces, as that strikes him as odd. Mr. Smith indicated he believed there would be parking spaces filled with scooters and this was overkill with parking spaces. Commissioner Scarpelli agreed, adding that that was totally plausible.

Ms. Karen Taporco, the Navy Planning and Liaison Officer, had not been able to get through to speak during public comment and asked to speak now. After being sworn in, Ms. Taporco stated that's she is the new Community Planning and Liaison Officer at NAS Key West. The Navy has identified areas for safety, health and welfare. While this property does not lie within the accident potential zone, it does lie in the 60 to 64 decibel noise contour and is a potential health and welfare concern. To mitigate, the Navy requests inclusion of noise disclosures in the development agreement, consideration of noise disclosures as part of a leasing process for residents to acknowledge they reside in a high-tempo military area and will hear jet noise, and sound attenuation for the minimum level as if it were in the 65 DNL noise contour. The Navy also requests coordination on the transfer of development rights going forward since this is within the AICUZ footprint, and requests signage addressing unmanned aerial systems or drone activity on site to avoid encroachment into the landing pattern of military jets. The Navy also requests coordination on the anchoring activity in mooring fields as they will also hear the jet activity. Finally, the Navy requests coordination on crane activity with the air traffic controllers since cranes are potential obstructions to the navigable air space.

Mr. Smith stated that the applicant is in agreement with all of those items, and he believes a lot of those are already incorporated into the development agreement and the Comp Plan amendment. To the extent they are added in as conditions, the applicant is agreeable, but the mooring field will be up to the County. Chair Coward asked if sound attenuation meant a higher grade of windows. Mr. Smith indicated that that was correct, that concrete block construction with impact windows would provide for that.

Commissioner Demes stated that Ms. Karen Taporco is an ex officio member of the Planning Commission and asked that she be included in the in-person meetings as a Planning

Commissioner in her ex officio capacity as listed on her website. Mr. Wolfe thanked him for that clarification. Chair Coward agreed. There were no further questions or comments. Chair Coward asked for a motion. Commissioner Demes made a motion to approve and listed all of the staff's conditions and recommendations. Ms. Schemper clarified that he was including the shoreside access facility which would be an additional condition of approval, and reviewed Ms. Taporco's conditions, indicating those could be added as condition number six. Mr. Steve Williams confirmed with Mr. Stein that his concerns had also been addressed.

Commissioner Miller stated he would abstain from the process of voting when information has not been presented to his satisfaction. Mr. Williams stated that that was not valid grounds for abstention. Valid grounds are direct financial interest, voting conflict, perceived conflict, and apparent conflict. Voting yes or no is fine, but not liking the procedural process is not grounds recognized by Florida law. Mr. Wolfe agreed, adding that he could vote "no" and state his reasons. Commissioner Miller then stated he was voting "no" based on the lack of information, so he's still voting even though he does not believe he has enough information to vote.

Chair Coward also stated he would vote "no," not because he doesn't like the project but he has an issue with the traffic being one of the biggest, major nuisances that will impact the community and they are not able to review the final process; as well as flying completely in the face of what was just voted on last month regarding Planning Commission rules and regulations.

Motion: Commissioner Demes made a motion approve the item with inclusion of all conditions and recommendations of staff and Ms. Taporco. Commissioner Scarpelli seconded the motion.

Roll Call: Commissioner Scarpelli, Yes; Commissioner Wiatt, Yes; Commissioner Demes, Yes; Commissioner Miller, No; Chair Coward, No. The motion passed 3 to 2.

Ms. Schemper added that the governor's order allowing virtual meetings expires August 1, 2020. If it is not extended, the August meeting will be an in-person meeting and details will be provided. Mr. Williams stated that the Code Enforcement Hearings would be live this month so it appears live, in-person meetings are on the horizon.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 11:30 a.m.